Department Policy & Procedure

Subject:		Number: 93-5	
Removal and/or abandonment of underground storage tanks in streets and alleys. SMC 3-12-020		Effective: April 8, 1994	
Approved:	Department:		
	Seattle Transportation	Page 1 of 5	

1.0 Purpose:

1.1 To establish standard operating instructions for the removal and/or abandonment of underground storage tanks in street and alley rights-of-way.

2.0 Organizations Affected:

- 2.1 Seattle Transportation
- 2.2 Seattle Fire Department
- 2.3 Permittees who are responsible for operation and maintenance of underground storage tanks in street and alley rights-of-way.

3.0 References:

- 3.1 Title 15, Chapter 15.04 of the Seattle Municipal Code
- 3.2 Section 79.13 of Seattle Fire Code

4.0 Policy:

- 4.1 It is the policy of Seattle Transportation to require the removal of underground storage tanks located in street and alley rights-of-way when the Permittee is no longer in compliance with Title 15, Chapter 15.04 of the Seattle Municipal Code. Where the majority of a tank lies beneath the area behind the curb (area between curb and the property line), the portion of the tank lying deeper than eight feet (8') may be abandoned in place.
- 4.2 Payment of the annual street use fees and continued maintenance of the storage tank surety bond by the Permittee will no longer be required in such cases where the tank has been abandoned under authority of a Seattle Fire Department permit issued prior to the effective date of this administrative rule.

- 4.2.1 When a tank has been filled and abandoned without City authorization [Seattle Fire Department permit and/or Seattle Transportation street use permit] prior to the effective date of this administrative rule, payment of the annual street use fee for the tank will no longer be required if the owner of the property adjacent the tank signs an indemnity agreement covering the abandoned tank (see Exhibit "A"). The agreement shall be recorded with King County Director of Records & Elections and shall run with the property until such time as said tank is completely removed from the street/alley right-of-way. If the owner declines to provide the indemnity agreement, Permittee shall either: 1) remove the tank or 2) continue to pay the annual street use fee and maintain the storage tank surety bond.
- 4.2.2 If utilities, structures, or other installations near an underground tank cause the cost of removing the tank to substantially increase and place an unreasonable hardship on the Permittee, Seattle Transportation may reduce the annual fee if the owner of the property adjacent to the tank signs an indemnity agreement covering the tank (see attached Exhibit "A"). The agreement shall be recorded with the King County Director of Records & Elections, and run with the property until such time as the underground tank has been completely removed from the street/alley rights-of-way. If the owner declines to provide the indemnity agreement, Permittee shall either: 1) remove the tank, or 2) continue to pay the maximum annual fee and maintain the storage tank surety bond.

5.0 Definitions:

- 5.1 Permittee Individuals and/or companies, who obtained street use permits allowing the placement and/or continued operation and maintenance of underground storage tanks in street and alley rights-of-way, their purchasers or assignees, heirs or administrators, or other successors in interest of the property adjoining the tank.
- 5.2 Standard Specifications The City of Seattle Standard Specifications for Road, Bridge, and Municipal Construction and The City of Seattle Standard Plans for Municipal Construction.
- 5.3 Street Use Permit Permit issued by Seattle Transportation for the removal, abandonment, or the placement, operation, and maintenance of an underground storage tank in City of Seattle street and alley rights-of-way. The permit is issued in accordance with Title 15, Chapter 15.04 of the Seattle Municipal Code and City of Seattle Ordinance 90047.

6.0 Activities of the Seattle Fire Department (SFD):

- 6.1 SFD determines if a fire department permit is required for the removal or abandonment of the underground storage tank.
- 6.2 If a tank, which is to be abandoned or removed, requires a fire department permit, the permit is to be obtained prior to conducting any decommissioning work to the tank.
- 6.3 Whenever an application is made for a fire department permit to abandon or remove an underground storage tank in street and/or alley rights-of-way, SFD checks that a street use permit has been obtained for the abandonment or removal of the tank prior to the issuance of the fire department permit.

7.0 Responsibilities:

- 7.1 Seattle Transportation (SED) Responsibility
 - 7.1.1 SED issues a permit to excavate, backfill, and permanently restore the street/alley right-of-way and/or to abandon the tank when applicable.
 - 7.1.2. SED inspects the: 1) traffic control for the work to be done; 2) shoring of the excavation for the removal of the tank; 3) backfill of the excavation; and, 4) permanent restoration of the right-of-way surface. If portions of the tank are to be abandoned in place, SED also inspects the: 1) removal of those portions of the tank lying within eight feet of the surface; and 2) placement of fill material in the remainder of tank lying deeper than eight feet beneath the surface of the street/alley right-of-way.

7.2 Permittee Responsibility

- 7.2.1 Permittee shall check that its contractor has obtained permit(s) from Seattle Transportation for the excavation/shoring work to remove the tank, backfill, and permanently restore the street/alley right-of-way or to abandon the tank when applicable.
- 7.2.2 Permittee is to contact the Seattle Fire Department to determine if a fire department permit is needed for safeguarding the tank for removal or abandonment. If the permit is required, Permittee shall check that its contractor has obtained the fire department permit.
- 7.2.3 Permittee shall check that the State of Washington Department of Ecology has been contacted in the manner prescribed by law for notification that the tank is to be removed and/or abandoned.
- 7.2.4 Permittee and/or its contractor shall guaranty for a period of five years the integrity of their backfill and street restoration work done in conjunction with the removal or abandonment of the tank.

8.0 Procedures:

- 8.1 Removal of the underground tank.
 - 8.1.1 Permittee and/or its contractor shall obtain a permit from Seattle Transportation to excavate, backfill, and permanently restore the street/alley right-of-way in which the tank lies.
 - 8.1.2 Permittee and/or its contractor shall contact the Seattle Fire Department to determine if a fire department permit is needed for safeguarding the tank for removal. If a permit is required, Permittee and/or its contractor shall obtain the fire department permit.
 - 8.1.3 Permittee and/or its contractor shall notify the State of Washington Department of Ecology in the manner prescribed by law that the tank is to be removed.
 - 8.1.4 Permittee and/or its contractor shall excavate, remove the tank, backfill the excavation, and permanently restore the street/alley right-of-way in the manner required by the permits obtained for this work.

- 8.1.5 If contaminated soil is found, the State of Washington Department of Ecology shall be contacted by the Permittee and/or its contractor for the course of action to be taken to eliminate the contamination. In any event, excavations shall not remain open for more than one week.
- 8.1.6 Backfill and permanent street/alley restoration shall be done by the Permittee and/or its contractor. The integrity of the backfill and restoration work shall be guaranteed by the Permittee and/or its contractor for a period of five years from the date Seattle Transportation inspects this work.
- 8.2 Abandonment of the underground tank.
 - 8.2.1 Permittee has the option to abandon those portions of its tanks lying behind the curb (area between curb and property line) and deeper than eight feet beneath the surface of the sidewalk/planting strip area. Permittee must submit in writing to Seattle Transportation that it is exercising this option.
 - 8.2.2. Seattle Transportation will notify the Permittee that the tank may be abandoned subject to:
 - 1) Portions of the tank lying within eight feet of the surface of the sidewalk/planting strip shall be completely removed. Any portion of the tank lying between the curbs of the street or in a alley shall be completely removed.
 - 2) The portion of the tank remaining in the ground shall be completely filled with a material approved by Seattle Transportation.
 - 8.2.3 Permittee and/or its contractor shall obtain a street use permit from Seattle Transportation for the work to be done to abandon the tank.
 - 8.2.4 Permittee and/or its contractor shall contact the Seattle Fire Department (SFD) after obtaining the required street use permit from Seattle Transportation. (SFD reviews the procedures for abandonment of the tank and must approve them prior to the beginning of the abandonment work.) If a permit is required from SFD for the abandonment of the tank, Permittee and/or its contractor are to obtain the fire department permit before starting the work under the street use permit.
 - 8.2.5 Permittee and/or its contractor shall notify the State of Washington Department of Ecology in the manner prescribed by law that the tank is to be abandoned in place.
 - 8.2.6 Permittee and/or its contractor shall perform the abandonment work in the manner required by the permits and approvals obtained for this work.
 - 8.2.7 If contaminated soil is found, the State of Washington Department of Ecology shall be contacted by the Permittee and/or its contractor for the course of action to be taken to eliminate the contamination. Excavations shall not remain open for more than one week.
 - 8.2.8 Backfill and permanent street/alley restoration shall be done by the Permittee and/or its contractor. The integrity of the backfill and restoration work shall be guaranteed by the Permittee and/or its contractor for a period of five years from the date Seattle Transportation inspects this work.

Remove and/or Abandonment of Underground Storage Tanks in Streets and Alleys

9.0 Appeals:

9.1 All decisions of Seattle Transportation may be appealed by the Permittee within ten days after such decision. The appeal is to be submitted in writing to:

Street Use Appeals Board Suite 400, Seattle Municipal Building 600 Fourth Avenue Seattle, Washington 98104

cfw: 2/25/1994

EXHIBIT "A"

Public Place Indemnity Agreement

This indenture made and entered into theday (hereinafter called the Indemnators) of the real property herein	y of, 20, by owner nafter described.
	WITNESSETH
, by	(insert description of portion of public place in which tank lies) abandoning underground storage tank(s) in front of or adjacent to the following
described real estate situate in King County,	Washington, to-wit:
successors, assigns, lessees, sub-lessees, tenants and sub-tena	for and behalf of themselves, their heirs, executors, administrators, ants, do, by these presents, hereby covenant and agree to forever hold and save the tions or damages of every kind and description which may accrue to, or be suffered by described public place.
This agreement is and shall be deemed to be a covenant attack	ning to and running with the above described real estate.
place is wholly of a temporary nature, vests no permanent rig	mission to abandon the underground storage tank(s) in the above described public thts whatsoever, and that upon thirty (30) days notice, posted on the premises, or by or without such notice, in case such use or occupation shall become dangerous, the ors.
	ereunto set their hands and seals, and the corporation above named have caused this fficers thereunto duly authorized so to do and attested by their respective corporate
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STATE OF WASHINGTON))	
County of King) ss.	
Washington, duly commissioned and sworn,	, 20, before me, the undersigned, a notary public in and for the State of personally appeared
	known to be the individuals described in, and who executed the within instrument, ir free and voluntary act and deed, for the uses and purposes therein mentioned.
W	VITNESS my hand and official seal, the day and year first above written.
	otary Public in and for the State of Washington esiding at
STATE OF WASHINGTON)	
County of King) ss.	
Washington, duly commissioned and sworn, to m , the corporatio	
W	VITNESS my hand and official seal, the day and year first above written.
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